

## Chapter 8.24

### PROBLEMS AND NUISANCES

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**8.24.010 Nuisance acts designated—Penalties.**

Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance, as defined in this title, shall be guilty of allowing a nuisance in violation of this title and subject to the penalties provided herein.

**8.24.015 Animals causing a nuisance.**

An animal causing a nuisance includes, but is not limited to, any animal that:

A. Is repeatedly found at large;

B. Damages the property of anyone other than its owner;

C. Repeatedly molests or intimidates neighbors, pedestrians, cyclists, or passersby by lunging at fences, chasing, or acting aggressively towards such person(s), unless provoked by such person(s) or acts in such a

way to cause unreasonable annoyance, disturbance or discomfort;

D. Chases vehicles;

E. Makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other noise which causes unreasonable annoyance, disturbance, or discomfort to neighbors or others;

F. Causes fouling of the air by odors and thereby creates unreasonable annoyance or discomfort to neighbors or others;

G. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

H. Defecates on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property, unless the handler of such animal shall have in his possession the instruments to clean up after his animal and shall remove the animal's feces to a proper trash receptacle;

I. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals kept or harbored;

J. Attacks people or other animals, whether such attack results in actual physical harm to the person or animal to whom or at which the attack is directed or not;

K. Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision(s) of Utah law;

L. Cannot be restrained by normal restraints, such as standard leashes, standard chains, or muzzles; or

M. Cannot be effectively controlled by its owner or handler.

The fact, or evidence of the fact, that the factors alleged to have caused the animal to be a nuisance are inherent and/or natural behavior for such animal, or the action of the

owner or animal are otherwise legal, shall not negate or excuse a charge of nuisance.

**8.24.020 Fierce, dangerous or vicious animals.**

It is unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it is not or cannot be effectively controlled by its owner or person having charge, care, custody or control of such animal through the use of reasonable restraints, is a hazard to public safety, and the director may seek a court order for destruction, muzzling, or appropriate housing and confinement of the animal.

**8.24.025 Animal bites—Reporting requirements.**

A. Persons who obtain knowledge that an animal has bitten another animal or a human shall report the fact(s) to the director within twenty-four hours of the bite, regardless of whether the biting animal is of a species subject to rabies.

B. A physician, or other medical personnel, who renders professional treatment to a person bitten by an animal shall report that fact to the director and the health department within twenty-four hours of his first professional attendance. Said report shall include the name, sex and address of the person bitten as well as the type and location of the bite. If known, the person making the report shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the director in ascertaining the immunization status of the animal.

C. A veterinarian, or other person who treats an animal bitten, injured or mauled by another animal shall report that fact to the director. The report shall contain the name and

address of the owner of the injured animal, the name and address of the owner, if known, of the animal which caused the injury, and a description of the animal, if known, which caused the injury, and the location of the incident.

D. Any person not conforming with the requirements of this section shall be in violation of this title.

**8.24.030 Attacks by animals—Owner liability—Authorizing destruction.**

A. It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, chase or worry any human, domesticated animal, any species of hoofed wildlife protected by any law or ordinance, or any pet or companion animal.

B. Any penalty imposed as a result of prosecution of a person under sub-section A of this section shall be in addition to any penalties or liabilities imposed upon such person by any other law or ordinance.

C. The following shall be considered in mitigating the penalties or damages, or in dismissing a charge brought under subsection A of this section:

1. That the animal was properly confined on the premises;
2. That the animal was deliberately or maliciously provoked; or
3. That the animal was already injured and was defending itself.

D. Any person may kill (or take other protective action against) an animal while it is committing any of the acts specified in subsection A of this section, while such animal is being pursued after committing any of such acts, or to protect themselves, or members of the public, from any threat of death or personal injury then being posed by the animal.

E. Every person owning or keeping an animal shall be liable in damages for injuries

committed by such animal, and it shall not be necessary in any action brought therefore to allege or prove that such animal was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous.

**8.24.040 Control and fencing of livestock.**

A. It is unlawful for any person owning or harboring an animal of a class of livestock to allow, either negligently or with specific intent, the livestock to run at large in an area where such is not permitted by law or to otherwise permit the livestock to be herded, pastured or to go upon the land of another.

B. Adequate fencing shall be erected and maintained to prevent the livestock's escape, as specified in subsection C of this section.

C. All fencing of property where a class of livestock is kept shall be of sufficient construction to prevent the escape of or injury to the livestock being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged or in any way create the possibility of injury to the confined livestock or to allow the escape thereof.

D. Construction, maintenance and repair of fencing shall be the responsibility of the property owner and will be constructed in a manner which is appropriate to the containment of all types of livestock confined therein.

**8.24.050 Harboring stray animals—  
Unlawful confinement or  
concealment of animals.**

A. It shall be unlawful for any person, except animal establishments operated by state or local governments, to harbor or keep any lost or stray animal. Whenever a lost or stray animal is retained or harbored by an animal welfare society, it shall be the duty of such animal welfare society to notify the division

within 24 hours and the division shall impound the animal as provided herein.

B. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the division within 24 hours, and the division shall impound the animal as provided herein.

**8.24.060 Animals running at large.**

It shall be unlawful for any owner, handler or any person harboring any animal to allow such animal at any time to run at large. The owner, handler or person harboring an animal found running at large shall be strictly liable for violations of this section regardless of precautions taken to prevent the escape of the animal irregardless of whether or not he knows the animal is running at large. The owner, handler or person harboring any animal shall be liable in damages for injuries committed by such animal.

**8.24.070 Staking animals improperly.**

A. It is unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

B. It is unlawful for any person to chain, stake out or tether any animal on any premises in a manner that prevents the animal from having access to food, water, or shelter.

**8.24.080 Female pets in heat.**

Any owner or person having charge, care, custody or control of any female pet in heat shall, in addition to restraining such pet from running at large, cause such pet to be constantly confined in a building or other structure so as to prevent it from attracting by scent or coming into contact with other animals and creating a nuisance.

**8.24.090 Animals prohibited in designated areas.**

A. It is unlawful for any person to take or permit any animal, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, or served, including but not limited to restaurants, grocery stores, meat markets and fruit or vegetable stores.

B. It is unlawful for any person keeping, harboring or having charge or control of any animal to allow such animal to be within protected watershed areas as designated by either the health department or any public water district.

C. It is unlawful for any person to chain, stake out or tether any animal in a public place unless the owner or handler of the animal is continually present and the animal is properly restrained so that the animal poses no threat of contact with a person engaged in a normal and expected activity.

D. It is unlawful for any person to take or permit any unrestrained animal in any public park located within the city. Any animal in a public park must be continually kept on a leash, not over eight feet in length, which is of sufficient strength to insure that the animal's owner or handler shall at all times have absolute control over the animal except for designated off-leash areas. The director may grant exceptions to this subsection D for a licensed animal exhibition.

E. This section shall not apply to dogs provided for in subsection B of Section 8.16.100, or when the director of the health department adopts rules and regulations, which are subsequently ratified by the city council, which set forth the times and places where the dog or dogs may be allowed without compromising the health and safety of humans, causing a nuisance, or damaging property.

**8.24.100 Animal trespass.**

It is unlawful for the owner or handler of an animal to allow such animal to trespass on the property of another. Any trespassing animal may be confined provided the person confining the animal notifies the division within 24 hours of such confinement.